

Appl. No. 10/594,399
Amendment dated 06/30/2008
Reply to Office Action of 02/28/2008

Remarks

Claims 11, 13, 14, and 16 – 21 remain in the application.

Claim 11 has been amended to include a water miscible volatile solvent selected from methanol, ethanol, isopropanol, or propanol. Support for this amendment is found in [0032] of the specification.

Claim 11 has also been amended to limit the dispersed particles to be vesicles, as per original claim 12. Claim 12 has been canceled accordingly.

The dependency of claims 16-20 have been amended.

Rejections under 35 U.S.C. 112

Claims 17 and 18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17 and 18 have been amended, and Applicant respectfully submits the amendment overcomes this rejection.

Rejections under 35 U.S.C. 102

In the office action dated 02/28/2008, claims 1, 3, 4, 6-8 were rejected as being anticipated by U.S. 4,150,048 to Schilling.

Applicant has canceled claims 1-10, and therefore submits this rejection is moot.

Rejections under 35 U.S.C. 103

Claims 1-4 and 6-10 were rejected as being unpatentable over Tsubaki (US 5,472,686) in view of Cen et al. (US 6,632,420).

Claim 5 was rejected as being unpatentable over Tsubaki (US 5,472,686) in view of Cen et al. (US 6,632,420), and further in view of Hill et al. (US 5,364,633).

Claims 1-4 and 6-10 were rejected as being unpatentable over Cen et al. (US 6,632,420) in view of Tsubaki (US 5,472,686).

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Claim 5 was rejected as being unpatentable over Cen et al. (US 6,632,420) in view of Tsubaki (US 5,472,686), and further in view of Hill et al. (US 5,364,633).

Applicant has canceled claims 1-10, and therefore submits the above rejections are moot.

Claims 11, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cen et al. (US 6,632,420) in view of Tsubaki (US 5,472,686).

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cen et al. (US 6,632,420) in view of Tsubaki (US 5,472,686), and further in view of Hill et al. (US 5,364,633).

Claims 15-17 and 19-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cen et al. (US 6,632,420) in view of Tsubaki (US 5,472,686).

Applicant respectfully submits that the claims as amended define an invention which is unobvious over Cen et al. (US 6,632,420) in view of Tsubaki (US 5,472,686), or over Cen et al. (US 6,632,420) in view of Tsubaki (US 5,472,686), and further in view of Hill et al. (US 5,364,633).

The combination of Cen, and Tsubaki, or Cen, Tsubaki, and Hill fail to teach or suggest all the limitations of present claim 1. In particular, Cen and Hill fail to teach or suggest mixing an (AB)_n block silicone polyether copolymer as presently claimed with an alcohol selected from methanol, ethanol, propanol, or isopropanol, adding water to form a dispersion, and then mixing to form vesicles. Cen teaches microemulsions of volatile silicones, water, and silicone polyethers. Cen's compositions allow for the further addition of an alcohol (column 6, lines 58-64). However, Cen fails to specify a process for forming vesicles by first mixing an alcohol with an (AB)_n block silicone polyether copolymer as presently claimed.

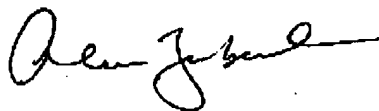
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The present response is being submitted within the shortened statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for a one month extension and any fees that should be necessary to maintain the pendency of the application.

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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